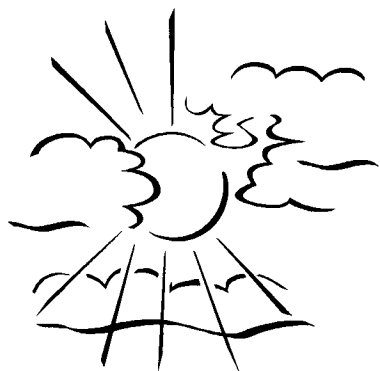


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Articles in Today's Clips

Thursday, August 25, 2005

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Day care fight pits neighbor vs. neighbor

Cities weigh complaints, parents' wishes to forge ordinances

August 25, 2005

BY CECILIA OLECK

FREE PRESS STAFF WRITER

Nichol Childs surveys the chaos that is her backyard.

Bikes and balls are scattered around. There's a trampoline. A swing set.

A climbing set.

And smiling kids everywhere.

The Troy mother of three and home day care provider to 12 said she doesn't want to lose her business, a possibility as the city decides whether to lift its ban on day cares like hers or shut them down.

"We just had the basement totally remodeled for the day care, put the fence in ... all of it for the day care," said Childs, 27, who says the city told her running the day care was fine when she was licensed by the state three years ago.

So it goes across metro Detroit as officials react to complaints from neighbors and others about home day cares licensed for 7-12 children operating in cities that don't allow them.

It's an issue that pits parent against politician and raises a larger question: With an estimated 1 million children in some form of child care throughout the state, why shouldn't these kinds of day cares be allowed in neighborhoods?

"Not every child is cookie-cutter, not every child is the same," said Brian Payne, a Rochester Hills parent whose two daughters are cared for at one of 20 day cares at risk of closing in Troy. "The city needs to provide as many options as it can to parents. Don't reduce the opportunities."

For city officials from Troy to Farmington Hills who are dealing with this issue, the logic is this: Their local ordinances do not allow in-home businesses that employ people because of traffic and noise concerns.

And because state law requires that day cares with more than six children have more than one adult supervising, that can violate the ordinance.

In many cases, the offending day cares don't become an issue until someone alerts the city.

"We react to complaints from residents," said Farmington Hills Planning Director Dale Countegan

Pushing for change

As city officials scrutinize day care laws in their communities, parents and providers are lobbying for the businesses they say are homes away from home for their children.

The state doesn't track how many children are in licensed home day cares but Payne and his wife Lisa said they chose one that allows for 7-12 children, known as a group day care, because they could send both their girls there.

Smaller home day cares, called family day cares, are generally allowed throughout metro Detroit but they can only serve up to six children and might not be able to accommodate growing families.

When Farmington Hills outlawed group day cares about 18 years ago -- banning them in residential subdivisions, but allowing them along main roads -- the concern was that they would bring noise and traffic into neighborhoods, Countegan said.

The city started issuing warnings to group day cares that weren't in compliance with city law last year after Oakland County alerted officials to their presence in the city.

Outcry from parents and day care providers prompted Farmington Hills officials to look at revising their law; they plan to hold a public hearing next month.

The city currently has 10 licensed group day cares and 11 licensed family day cares, according to the Michigan Department of Human Services Web site.

None of them have been shut down as a result of violating city law, Countegan said.

"We hear from people who say they're a necessary service," said Farmington Hills Mayor Vickie Barnett, who supports changing the city's law. "Taking care of children inside of a home is a normal use of a house."

It's an issue that other cities have dealt with.

In Livonia, a dispute over home day cares in the late-1990s prompted the city to rewrite its ordinances.

Before 1999, day cares of any kind were not allowed in neighborhoods, but the rule wasn't enforced, said assistant city attorney Michael Fisher.

A push by some residents to enforce the ban because of noise was answered by a call from parents pushing the city to instead allow family and group day cares in residential neighborhoods, Fisher said.

Now, family day cares are allowed as long as they meet certain requirements, such as not being within 1,000 feet of another day care, not having a sign, and limiting operation hours to between 6 a.m. and 10 p.m., said Mark Taormina, Livonia's planning director.

Group day care providers have to get special approval from the city's zoning board to operate, allowing neighbors the opportunity to speak on the issue. Livonia has 36 licensed family day care providers and 16 licensed group day care providers.

"The passions that had aroused have long since cooled," Fisher said.

In Sterling Heights, the procedure is similar. Angela Andrews, who helps her mother, Veronica Daratony, run a group day care from Daratony's home, said that although they had been providing care since 1999, it wasn't until June 2004 that they realized they needed to go before the city's zoning board to get permission to operate.

A neighbor had complained to the city at that time about the noise from car doors early in the morning and from bicycle tires on the pavement. Andrews said she and her mother ironed out the situation with the neighbor by putting up a privacy fence, shifting the designated drop-off area so car doors wouldn't be as loud, and asking parents to close doors carefully.

"We had worked it out with the neighbor before we even went in front of" the zoning board, Andrews said.

Cities rethink

In Troy, the planning commission is expected to take up the issue again at its Sept. 27 meeting.

The commission had been waiting to change anything with its local laws until a state bill that would require cities to allow group day cares is decided.

That bill, sponsored by Rep. Kevin Elsenheimer, R-Bellaire, and designed to consolidate zoning regulations among cities, townships, villages and counties, passed the state House of Representatives and is assigned to a Senate committee.

As approved by the House, the bill would require cities and villages to allow for group day cares -- which already are automatically allowed in townships, provided they meet state standards.

But because groups such as the Michigan Municipal League are opposed to that change, pressing instead for individual choice among cities, Troy officials have decided to take up the issue sooner.

Neighboring Auburn Hills is watching to see what Troy decides before it takes any action.

Auburn Hills also doesn't allow group home day cares but hasn't heard of any complaints filed against the 11 group day cares in its neighborhoods, said city planner Steve Cohen.

Earlier this month in Troy, the planning commission listened to more than two hours of input from day care providers, parents, neighbors and one grandparent who told the commissioners that if the city decided to shut down group day cares, she would be stuck caring for her grandchildren.

"I work; I've raised mine," said Jacqueline Taliaferro, a Troy resident.

"Now I want to live."

Contact CECILIA OLECK at 248-351-3692 or oleck@freepress.com.

Checking the facts

To find out if a day care facility you're considering for your child in Michigan is licensed or whether complaints have been lodged against it, go to the Michigan Department of Human Services Web site at www.michigan.gov/dhs.

Other sites with useful information on child care:

National Resource Center for Health and Safety in Child Care:
<http://nrc.uchsc.edu>.

National Network for Child Care: www.nncc.org.

Home day care debate

Talk the talk

Family day care home: Licensed home day cares that allow for up to 6 children.

Group day care home: Licensed home day cares that allow for 7-12 children.

THE ISSUE

Troy and Farmington Hills are looking at whether to lift bans on group day cares in their neighborhoods. It's an issue communities like Livonia have dealt with and Auburn Hills expects to deal with. A bill that has passed the state House and is now in a Senate committee could force cities to allow group home day cares.

BE HEARD

The Farmington Hills Planning Commission has scheduled a public hearing 7:30 p.m. Sept. 22 at City Hall, 31555 W. Eleven Mile Road. Call 248-871-2400, 8:30 a.m.- 4:30 p.m. weekdays.

The Troy Planning Commission is to discuss the issue at 7:30 p.m. Sept. 27 at Troy City Hall, 550 W. Big Beaver. Call 248-524-3300, 8 a.m.-4:30 p.m. weekdays.

Contact your representative or senator: Call 517-373-1837 from 7:30 a.m. to 5 p.m. weekdays.

State needs to make licensing mean more

Press & Argus
August 22, 2005

The Heather Deaton abuse case shows that bad things can happen in a day-care facility that is licensed by the state.

Who is to blame? The state, which has limited resources to monitor daycare centers on a regular basis, or the parents, for not listening to their children's protests as they were dropped off at Deaton's home?

Experts tell parents to seek child care from a licensed facility, and Deaton - who operated Kinder Cuddle Care in her Brighton Township home until she was charged with and eventually pleaded guilty to child abuse - was licensed by the state for 12 years to care for children in her home. Local day-care officials said Deaton regularly took training so she certainly knew what was appropriate behavior.

Something went wrong, however, and in February, a mother who became suspicious of her daughter's behavior while in Deaton's care finally took action by slipping a tape recorder in her daughter's backpack. That estimated 90 seconds of taped conversation eventually led to criminal charges.

While it is true the state can only do so much on its limited budget, it must do more to monitor such facilities.

Currently, someone who takes care of six or fewer children in a home is inspected within 90 days of getting a license. From then on, the license is renewed every three years by mail and an inspection is done on a random sample of 10 percent of those licensed.

This means day-care providers can go years - or, presumably, forever - without an onsite inspection if they are not selected in the random sample.

This is shameful.

Likewise, parents are responsible for being vigilant regarding the care of their own children. There are 34,000 children ages 0-14 in Livingston County. Of that number, 5,300 are in licensed day-care facilities while 28,641 are not. Of the 28,641, officials estimate 50 percent are "unaccounted for," meaning they are left alone, in unregulated child care or being cared for outside the county.

As one expert put it, it's sad to see our children's safety being jeopardized. Children should be our priority. The state needs to find a way to make its licensing mean more - and that means it needs to find a way to achieve more frequent and unannounced inspections of day-care facilities.

Who is minding your kids?

DAILY PRESS & ARGUS

Friday, August 5, 2005

The advice is pretty simple for the thousands of Livingston County parents who entrust their children to day care: Do your homework and make sure your provider is licensed by the state. That advice wasn't enough for parents of children cared for by Heather Marie Deaton at Kinder Cuddle Care in Brighton Township however.

In March they learned Deaton - who was licensed for 12 years and who regularly took day-care training - was charged with child abuse after she ordered a child in her care to smack another child 20 times in the face.

Deaton pleaded guilty last month to two counts of fourth-degree child abuse and no contest to a third count.

The problem is that licensing doesn't ensure much, said a state official who oversees day-care programs in Michigan.

"Licensing is really the floor of protection when you look at the scheme of things," said Jim Sinnamon, director of the Division of Child Daycare Licensing in the state's Department of Human Services. "It's the first rung of child care. It doesn't necessarily mean a home is high quality."

Local advocates for child care say the state should do more, both in terms of setting higher standards and by making more surprise visits. As it is, day-care providers can go years without an onsite inspection.

Deaton's last inspection was in August 2004, when her license was renewed.

"I think they should monitor day care more closely and they need to do more unannounced visits," said Julie Aramian, director of the First Presbyterian Children's Care Center in Howell, one of the few day care providers in the county that sought and achieved accreditation higher than state requirements.

Sinnamon says stricter state monitoring isn't likely.

"We don't have the staff to do what we are mandated to do already," he said.

The state has only 60 inspectors for 18,000 child-care locations, a 1-300 ratio. Advocates recommend four times as many inspectors, a staffing level highly unlikely given the state's financial woes.

Nonetheless, Sinnamon says the state has a strong record in responding to complaints. He also says parents play a key role in monitoring day cares.

Parents, in fact, reported Deaton after becoming suspicious.

"I think parents need to know that those situations we hear on the news are exceptions rather than the rule," said Sinnamon.

Maybe so, say advocates, but the stakes are too high to not have higher standards.

"If I could have one message for the state and Legislature it would be no cuts in day care," said Linda Herbert, executive director of Livingston 4C Council, a not-for-profit organization that provides referral services to parents and training for area day care providers.

"There is a tremendous amount of unregulated care going on in our community," she said.

"Those children don't have anyone coming in to look at quality standards. We don't know if they are being warehoused; we don't know what's going on in those unregulated settings."

Even regulated daycares are largely unmonitored. A woman who takes care of six or fewer

children in her home, for instance, is inspected within 90 days of getting a license. From then on, her license is renewed every three years by mail. Criminal background checks of adults on premise are only required for larger business-style child care centers.

That's not nearly enough, argues Aramian. The First Presbyterian Children's Care Center, where she directs care for 85 children, has earned the more stringent accreditation from the National Association for the Education of Young Children.

Stronger accreditation includes more training and stricter requirements for regulated activities while the children are at a day care center. Only five of the county's 242 business-style daycare centers are accredited.

"Accreditation is not by any means cheap," Herbert said. "That's part of the problem."

Center adds infant program

Thursday, August 25, 2005

By Lawrence R. Heibel
The Grand Rapids Press

WALKER -- When members of the governing body of Remembrance Church decided to sell their child-care center this year, they prayed it would be purchased and remain open.

Remembrance Child Care Center closed June 30 and opened the next day with new owners as Walker Child Care Center. This week, the center added an infant care center.

"It's just amazing how this all worked out," said Brian Kamstra, executive administrator of Remembrance Church. "When we first went through this whole thing, it was one of the hardest decisions our church had to make."

Jill Peters and her mother-in-law, Linda Peters, bought the center. Jill Peters said she will close the last portion of her in-home day-care center as she moves her families with infant care to the Walker center, 3787 Remembrance Road NW. She said her desire to open a child-care center outside her home worked out perfectly with the ability to buy an existing business.

"This one was all set up -- ready to go -- with good staff and families and children," Peters said.

"We hired all the same staff.

"We didn't even have to close one day."

The church opened the day-care center in 1991 but chose to divest itself of the operation to focus on ministry.

"We were managing a business element rather than doing ministry," Kamstra said. "Now, we're able to continue more on a ministry level rather than running a center."

The center employs 20 people and cares for 110 children from 65 families. The addition of infant care will meet a need and allow the center to add employees, Peters said.

"We've had quite a bit of interest in the infant and toddler program," she said.

The center also expanded its hours to stay open 30 minutes later. The center is open from 6:30 a.m. to 6:30 p.m. Peters said the center will continue to offer preschool programs.

Kamstra said he is pleased the transfer of ownership went so well.

Bill aims to clear up child abuse laws

Thursday, August 25, 2005

By Steven Harmon**The Grand Rapids Press**

GRAND RAPIDS -- Prosecutors were quick to press criminal charges last month against the Oceana County mother of a 3-month-old boy who died after being left alone for hours in a car while she camped.

That case was relatively easy to send to court, Prosecutor Terry Shaw said, given the baby's death and the seven hours he was left in the car.

But, it's the less clear-cut cases of negligence that have frustrated prosecutors: the cases where children were left in dangerous situations but escaped alive. Charges are difficult to bring in those circumstances.

Legislation to be taken up in the fall would remedy the fuzzy areas of child abuse law, said its sponsor, State Rep. William VanRegenmorter, R-Georgetown Township.

It would make it a crime for a person to intentionally leave a child in a car for a duration that could injure him or her, whether or not there are injuries. The maximum sentence would be imprisonment for one year. If a child were injured, the penalty would be stiffer -- up to 15 years in prison.

"Law enforcement types believe it's difficult to charge because you can't prove intent," said VanRegenmorter, the chairman of the House Judiciary Committee. "Under this legislation, if somebody leaves a baby in the car for two hours and the temperature is 90 degrees and the windows are closed, that's clearly an act that could cause serious injury."

The legislation was inspired by an Oakland County case this summer in which two children were found unharmed in a car after being left alone for more than two hours.

Oakland County prosecutors were not going to charge the mother with a crime because the children were unharmed. The city attorney, however, ultimately charged her with reckless endangerment under a city ordinance.

Three years earlier, two Oakland County children died after being left in a car for more than two hours while their mother had her hair done at a beauty salon.

A "clear blue line" was crossed by Hart native Sabrina McClure, the 18-year-old mother who left her 3-month-old son, Michael McClure, in a car for seven hours while she camped with friends, Shaw said.

"In my case, I didn't have to struggle with the issue, because there was a very, very, long time that was obviously unreasonable," Shaw said. "But there has to be some definition of when does it get reckless. That's going to be tough to decide. It's difficult to determine where a mistake goes over the line into criminal neglect."

The legislation won't sweep innocent parents into a dragnet, said Ottawa County Prosecutor Ronald Frantz, the president of the Prosecuting Attorney's Association of Michigan, which has led a work group on the legislation.

"Our intention is to protect the child and not penalize the innocent parents," Frantz said. "When common sense dictates a child would be endangered, then we have a plausible argument the statute would be violated. You have to have a degree of recklessness in your behavior to be swept up in this."

Kent County Prosecutor William Forsyth said many parents simply forget they have left their children in the car. That's not the kind of case he intends to pursue.

"You still have to knowingly leave a kid in the car," he said. "I'm not one to go around prosecuting people for making mistakes. Very few people purposely leave their kids in a car. More often, they forget. I don't know how they forgot, but they do."

Letters for August 25

The Grand Rapids Press

Thursday, August 25, 2005

Don't condemn McClure

When I first heard about Michael McClure, the sweet little 3-month-old who died in a car in Hart near a tent where his mother and others were sleeping, my knee-jerk reaction was that Sabrina McClure deserves whatever she gets for such gross negligence ("Baby's death 'very horrible,' " Press, Aug. 16).

Having now learned more details of the tragedy, it appears that the most even the police and other authorities who want to take her down can come up with is that the 18-year-old mom made a huge error in judgment -- and something happened that she'll have to go to sleep and get up every day mourning and crying, "if only..." Parenting, especially of an infant, requires a lot of on-the-run decision making, and I probably dodged more than one bullet raising my three. Didn't we all? Is it necessary to rub salt in this couple's cavernous wounds?

Almost any time an innocent life ends in a way that could have been prevented, I believe that the responsible party should be prosecuted to the fullest extent of the law. But that just doesn't seem to apply to this young wife, who was doing her best to make ends meet while her husband serves in the Navy. Sabrina McClure made a big mistake and she needs our compassion far more than our condemnation. Let's face it, there but for the grace of God go one of us.

LINDA COOK/Byron Center

5-year-old boy dies at campground

Thursday, August 25, 2005

The Grand Rapids Press

SOLON TOWNSHIP

An autopsy and additional tests were to be performed today after a 5-year-old boy whose parents said had suffered from high fevers for a week died at a campground Wednesday, Kent County sheriff's officials said. Rescue workers were called to the Duke Creek Campground, 15190 White Creek Ave. NE, around 10:18 a.m. when Alexander Henry-Clarence Chapin did not awaken, his family told sheriff's officials. "This is basically a death investigation. There is nothing we're finding that appears suspicious," Sgt. Roger Parent said. The boy's parents, Mike and Linda Chapin, were staying at the campground with their four children, looking at homes in the area. The family, which lives in Texas, previously lived in the area and planned to move back to Michigan, police said. The boy's parents said they heard Alexander breathing or snoring at different times during the night.

HOUSE COMMITTEES OK STUDENT SAFETY BILLS

A series of bills that are part of a student safety package won approval Wednesday by the House Education and Judiciary Committees, but work remains to be done on a measure disciplining tenured teachers who fail to report charges or convictions of sex offenses in order to avoid a court challenge.

The bills, which have passed the Senate, closely track House bills that were previously passed by the House though with a few tweaks.

The bills approved by the Education Committee include SB 129, establishing a 1,000-foot safety zone around schools where sex offenders may not live, work or loiter, and SB 601, SB 609 and SB 611 dealing with teachers facing or convicted of some specified crimes. The bills cleared by the Judiciary Committee include SB 606 and SB 607 dealing with reporting by sex offenders and SB 615 requiring criminal background checks of employees of child care agencies.

The definition of school property is more limited in the safety zone bill than it was in the version earlier approved by the committee, with the restriction against sex offenders applying only if school property is used for educational, recreational or athletic activities. Courts could place offenders on probation for up to five years during which the restrictions would apply.

Rep. Brian Palmer (R-Romeo), chair of the committee, said the revisions to the package make the legislation “more workable, more enforceable.”

Al Short, lobbyist for the Michigan Education Association, said the legislation providing for revoking teacher tenure and teaching certificates of those convicted of sex offenses remains troubling despite some changes. “You’ve got to prove you’re not guilty,” he said of circumstances where a local board decides to take action against a teacher based on criminal information it receives. “It changes the whole guarantee of due process.”

But Mr. Short said there are several stages, beginning with debate on the floor of the House, to revise the provision.

The revised bills also give judges more discretion in meting out probationary terms to persons convicted of sex offenses in the so-called “Romeo and Juliette” category of young teen consensual acts.

Another provision makes prospective employees pay the cost – about \$54 – for criminal background checks before being hired at schools.

Bills requiring persons on the sex offender registry to keep their residency information current were made effective January 1, 2006.

Sex crimes against children on decline

National offender registry, screening credited with drop

By WENDY KOCH

Gannett News Service

Megan Kanka, Jessica Lunsford, Shasta Groene.

These girls, all believed to be sexually molested by men and two of them killed, have generated headlines, prompted states to stiffen penalties against offenders and caused many parents to fear their child could be next.

Yet gut-wrenching as these high-profile cases are, they don't tell the whole story of sex offenders in America. They don't re-

fect the surprisingly good news: Sex crimes against children have dropped dramatically in the last decade. An online national sex-offender registry was launched in July. And recent research shows doctors can better predict which offenders may strike again.

"There's a success story here," says Roxanne Lieb, director of Washington state's Institute for Public Policy. She sees a "trickle-down effect" as famous cases raise public awareness and legislatures toughen public policy.

The headline-grabbing cases tend to be anomalies, because kids are rarely abused by strangers, and even less often killed.

"It's not the creepy guy who moves in next door you need to be most concerned about, but family, friends — people who

"It's not the creepy guy who moves in next door you need to be most concerned about, but family, friends — people who have access to your children on a regular basis."

Pamela Schultz

Author of "Not Monsters: Analyzing Stories of Child Molesters"

have access to your children on a regular basis," says Pamela Schultz, author of "Not Monsters: Analyzing the Stories of Child Molesters." She says most kids are abused by people they know.

And only a tiny fraction of abuse cases end in murder, says David Finkelhor, director of Crimes Against Children Research Center at the University of New Hamp-

shire. Of the 60,000 to 70,000 arrests each year for sex crimes against children, he says about 40 to 50 involve homicide.

Child advocates fear, though, the ability of serial sex offenders to escape detection and hurt more children.

Finkelhor says parents have a right to be outraged by sex crimes but should take heart by what he

sees as progress. "There's been some fear on the part of advocates that some enthusiasm (for tougher laws) will go away if people think the situation is getting better," he says. Experts argue it is, citing these developments:

► **Dramatic drop in cases.**

Government figures show the rate of sexual assaults against adolescents ages 12 to 17 plunged 79 percent from 1993 through 2003, and the number of substantiated sex-abuse cases involving kids of all ages fell 40 percent in the same time period. Finkelhor, who has analyzed the data, sees multiple reasons for the decline: greater incarceration of offenders, more therapy and use of psychiatric drugs, economic improvement in the 1990s and heightened public concern.

► **Online sex offender registry.** Justice Department now links the registries of 23 states and the District of Columbia. It will help the police and the public track offenders who cross state lines. The department expects its Web site, www.nsopr.gov, will soon link all states once software compatibility issues are resolved.

► **Improved screening for risk factors.** Canadian psychologist Karl Hanson, an internationally recognized expert on sex offenders, says doctors are better able to assess which offenders are at higher risk of re-offending and focus on treating them.

► **Treatment helps.** Group therapy dropped the recidivism rate from 17 percent to 10 percent, according to a 2002 study that Hanson co-wrote.

VIDEO GAME BILLS WIN APPROVAL OF JUDICIARY PANEL

Two bills restricting access to minors of violent or sexually-oriented video games were approved Wednesday by the House Judiciary Committee. The revised versions of the legislation remove any application to motion pictures and makes an exemption for material provided to a child by a parent or legal guardian.

Sent to floor were SB 416 and SB 463 setting the restrictions and providing penalties for renting, selling or otherwise disseminating the “ultra violent” or explicit games to minors. The committee took no action on SB 464 providing immunity from prosecuting retailers for supplying minors with adult video games if a rating system is followed.

The House has previously passed more limited legislation, and Governor Jennifer Granholm supports action of legislators from both parties to limit access to the adult games.

Knowing violations of the restrictions carry punishment as severe as a misdemeanor with 93 days in jail and/or fines of up to \$25,000.

Larry Meyer, chair of the Michigan Retailers Association, opposed the legislation as unneeded and unconstitutional. He said most of his member retailers that handle video games voluntarily removed the “Grand Theft Auto” game when it was disclosed that it contained hidden sexually-explicit material and are concerned about keeping adult-oriented material from children.

Hal Halpin, president of the Interactive Entertainment Merchants Association, also opposed SB 416 because he said it would violate First Amendment rights and said retailers are committed to voluntarily enforcing and promoting a video game rating system to block access of adult material to minors. “Self-regulation is working and parental empowerment rather than legislation is the answer,” he said.

Caregivers' complaints to be focus of meeting

HOMETOWN HEADLINES

GENESEE COUNTY

THE FLINT JOURNAL FIRST EDITION

Wednesday, August 24, 2005

By Marjory Raymer mraymer@flintjournal.com • 810.766.6325

Flint-area caregivers and people with disabilities are invited to air complaints about the home care system from 10 a.m.-noon Thursday at the Burton Senior Center, 3410 S. Grand Traverse. State Rep. Paula Zelenko and state Sen. Deborah Cherry, both Democrats from Burton, will conduct the meeting, one of several being planned statewide to discuss ways Michigan can reform the way it cares for seniors and the disabled.

Marjory Raymer

Thursday, August 25, 2005

Battle Creek Enquirer

EDITORIAL

Cutting Medicare reimbursement could put seniors at risk

Few people would want to be told that their paycheck is being cut by 4.3 percent. Most of us, if put in such a position, probably would look elsewhere for work. We hope that doesn't become the case with physicians who serve patients on Medicare, but the Michigan State Medical Society and the American Medical Association are warning that it could happen if a federal proposal to reduce reimbursement for Medicare services takes effect next year as scheduled. Under the proposal, payments to physicians would drop 4.3 percent beginning Jan. 1 and the cuts would continue over a six-year period.

Both medical groups warn that the reduction in reimbursement could result in physicians refusing to take on new Medicare patients or, worse, dropping the Medicare patients they currently serve.

The reason for the proposed cuts is no surprise: Spiraling Medicare costs have outstripped government estimates in recent years. By law, the Centers for Medicare and Medicaid Services are required to adjust payments downward to help make up for the shortfall. While such a move helps balance federal revenue with spending, it is a short-sighted strategy that ultimately could be harmful to the health care of senior citizens.

Representatives of the AMA were in Michigan last week to urge the medical community to lobby against the proposed cuts. As AMA trustee and Florida physician John Armstrong told The Associated Press, "If you can see a disaster coming, and you can act to prevent a disaster, why wait?"

An AMA survey found that as many as 38 percent of physicians will stop taking new Medicare patients if the proposed cuts go into effect on Jan. 1. Armstrong said the cutbacks might even cause physicians to drop their current Medicare patients.

Such a scenario must be doubly frustrating for people on Medicare, who are anticipating a 14 percent increase in their premiums next year.

With many areas of the country already experiencing or expecting a shortage of physicians in the near future, how can the federal government expect doctors to accept less in Medicare reimbursement when there is a great demand for their services from patients willing to make full payment?

Both U.S. Reps. Joe Schwarz, R-Battle Creek, and Fred Upton, R-St. Joseph, have voiced support for bills in the U.S. House to help preserve Medicare payments.

Michigan's U.S. senators, Democrats Debbie Stabenow and Carl Levin, are sponsoring similar legislation in the Senate.

We hope that Congress will rectify this situation and ensure that physicians at least continue to be compensated at current levels for the Medicare services they provide.

Originally published August 25, 2005

U.S. adults must make healthier food choices

Lack of funds limits government programs

The Ann Arbor News

Editorial

Thursday, August 25, 2005

Americans' waistlines are continuing to grow, as are the remedies public health experts and advocates say should be used to help trim them. Data from the Centers for Disease Control and Prevention show 22.7 percent of adults across America were obese between 2002 and 2004, according to a new report from the advocacy group Trust for America's Health. In Michigan, more than a quarter of adults - 25.3 percent - qualified for that designation.

That all states but Oregon showed an increase in obesity also ushered in a host of recommendations from the health group on what can be done, from Medicaid recipients getting access to subsidized fitness programs to land-use plans promoting physical activity. Others continue to lobby for more adult-oriented physical education and nutrition programs, and more public service announcements calling for adults in all demographic groups to lead less sedentary lives.

Their concern is justified. It's estimated obesity will cost more than 300,000 people their lives this year, while it causes thousands more to sometimes miss work or to ratchet up health bills connected to weight-related illnesses.

But those pushing remedies that rely on government funding will be frustrated. State budget crunches from coast to coast are causing schools to gut physical education programs and legislatures to pull back funding for public health programs - including those that emphasize nutrition and weight loss.

It's therefore increasingly important for adults themselves to make healthy choices.

Unfortunately, though, it appears they're not. A story from The Washington Post in The News on Monday indicates the movement at fast food and casual dining chains to offer customers healthier fare has been a bust. At McDonald's, just 2.4 percent of customers have ordered salads since they were added to the menu. The most popular item continues to be the double cheeseburger, "hands down," according to a company spokesman.

The Ruby Tuesday chain added 40 "better-for-you" offerings, along with listings of calorie and fat content for every menu option. But the offerings tanked. Since dropping them, burger sales have risen 3 percent to 4 percent.

Grand Ledge soldier's battle for custody gains national attention

States look to copy new bill introduced by House legislator

Published August 25, 2005

By Stacey Range

Lansing State Journal

As a local case gains national attention, state Rep. Rick Jones introduced legislation Wednesday to protect soldiers' custody rights.

Two nationally syndicated news shows - one radio, one television - are working on stories about Army National Guard Spc. Joe McNeilly of Grand Ledge.

McNeilly says he lost custody of his 10-year-old son, Joey, because of his service in Iraq. Joey's mother and her lawyer say the case is about McNeilly's parenting skills, not his service.

"Inside Edition" is scheduled to be in Lansing today filming interviews with McNeilly and Jones.

Producers of the afternoon news show said they hope to air the story next week but no date is set.

In the meantime, Web users can listen to an interview tonight with Jones on the radio program "Military and Family Issues" with Navy Cmdr. James Semerad.

The program does not broadcast on the radio in the Lansing area.

The case also has prompted lawmakers in neighboring states to begin work on similar legislation.

State lawmakers in Ohio and Wisconsin called Jones, R-Grand Ledge, this week requesting copies of his bill.

Jones' bill prohibits courts from using soldiers' absences for active duty against them in determining custody of minor children.

In an effort to move the legislation quickly, state Sen. Patty Birkholz, R-Saugatuck, said she plans to introduce the bill in the Senate next week.

Specifically, the bill would bar courts from:

- Making a "best interest determination" based on the parent's separation from his or her child due to military service.
- Using military service as proper cause to alter a previous custody order or judgment.
- Allowing a permanent custodial environment to be established while a parent is on active duty.

Jones said he's also taken several calls from residents of Michigan and beyond who said they were angered by the

Custody bill

- State Rep. Rick Jones, R-Grand Ledge, introduced House Bill 5100 on Wednesday barring courts from using soldiers' active duty against them in custody cases.

- The bill first will be considered by the House Committee on Family and Children Services. The committee isn't scheduled to meet again until Sept. 2, and clerk Malika Abdur-Rashid said she didn't know when Jones' bill might be considered.

On the Web

- Read the bill at www.legislature.mi.gov.

News shows

Two nationally syndicated news shows are working on stories about Spc. Joe McNeilly's custody battle:

"Military and Family Issues"

- Time: 8 p.m. tonight

- Station:
www.krightsradio.com/listenlive.php

- Broadcast: Navy Cmdr. James Semerad will interview state Rep. Rick Jones. Listeners can call in questions at the end of the show.

"Inside Edition"

- Time: 4 p.m. Monday through Friday

- Station: ABC 53 on channel 3 in Lansing, 5 in East Lansing

- Broadcast: Producers hope to air the story next week, but no date is set.

case, first detailed in Sunday's State Journal.

"I'm not surprised that people across the nation are very angry," he said.

"Many people are against the war, but they will never be against our young men and women who are serving our country and risking their lives."

McNeilly, 33, returned in March after serving 15 months in Iraq. He agreed to give his ex-girlfriend Holly Erb of Mason temporary full custody while he was deployed.

A custody order said the issue would be revisited when McNeilly returned from Iraq, but a court referee in May recommended against restoring shared custody.

The referee's report said the court favored Erb because she was the "day-to-day caretaker and decision maker in the child's life" while McNeilly was deployed.

The court also said that Erb had established a custodial environment for Joey while McNeilly was deployed.

Erb's lawyer, Theresa Sheets of Lansing, has said Erb is concerned that McNeilly is not a fit father. Sheets pointed to some postcards that McNeilly sent his son from Iraq depicting soldiers in training. She said they frightened the boy.

Neither Erb nor Sheets returned messages for comment Wednesday.

McNeilly said he was pleased with the interest his case.

"I don't know if it will help my case at all, but maybe it'll help some of the other Guardsmen and women out there," he said.

Contact Stacey Range at 377-1157 or srange@lsj.com.

\$250,000 Bail Set in Boston for Boy, 12, Found With Gun

By KATIE ZEZIMA

The New York Times

Published: August 25, 2005

BOSTON, Aug. 24 - A juvenile court judge who said he was trying to protect the public from a "serious problem" with guns set bail at \$250,000 this week for a 12-year-old boy arrested after police officers investigating loud noises said he was found with a loaded gun.

Judge Paul D. Lewis, first justice of the Boston Juvenile Court, set the bail after prosecutors requested a \$5,000 surety for the boy, who had no criminal record. His family was unable to post the bail, and he was being held in a youth detention center.

In an interview, Judge Lewis, who would not discuss specifics of the case, including why he set such a high bail, said, "My intention is to send a message to the general public that their safety is a concern of mine, and where there's a public safety issue I'm willing to go that extra mile, to do that extra thing to make sure their safety is protected.

"Whatever comes out of that, if any other message is sent, so be it," said the judge, who said there was a "serious problem" with guns in Suffolk County, which includes Boston.

He said the problem was particularly acute with children.

"We have kids being killed, kids doing the killings, kids seriously wounding people and bystanders," Judge Lewis said. "This court has no tolerance for juveniles with guns."

No one was hurt in the incident involving the 12-year-old. According to the police, officers approached the boy and two of his friends at 5 p.m. Monday at an intersection in the city's South End. The officers asked the boys about a loud bang that was heard nearby, and one of the boys said he had set off a firecracker.

When officers could not find a shell they approached the boys again, and noticed the 12-year-old was holding something wrapped in a black bandana. One officer took the object, which was a loaded .38-caliber gun with a spent bullet in the chamber.

The boy was arrested and charged with unlawful possession of a firearm and ammunition.

The Boston Globe first reported the case Wednesday.

The boy's lawyer, Mariann Samaha, plans to appeal the decision in District Court.

"This is a case about a 12-year-old child," Ms. Samaha said. The boy is in special education classes at school, she said.

Judge Lewis said that before setting bail, he always evaluated a case by taking into account all factors of the child's life, including parental involvement, behavior at school and home and comments from probation officers and parents.

He said there were always "side factors that come into play along with setting bail and along with the severity of the crime."

If those factors indicate the child could be a threat, Judge Lewis said, "I'm going to set a high bail, and I'll make no apologies for it."

Ms. Samaha said the boy's mother, a nursing assistant, was a single mother with a 3-year-old child and could not afford the bail.

"She's very caring and concerned about her boy," she said. "She's doing what she can. She's trying to get through this. It's not easy for her."

James Alan Fox, a professor of criminology at Northeastern University, said the bail was unusually high for such a case.

"It's an extraordinary bail for a nonhomicide case, much less for a nonhomicide case involving a juvenile that age," Professor Fox said. "It's not just not a homicide, it's not an injury case. Of course, shooting a gun on a public street is a risky endeavor, and there's a chance of causing injury, but it didn't."

Professor Fox said whatever message Judge Lewis might be trying to send was probably not reaching the intended audience.

"The judge is trying to send a message of intolerance and of not tolerating that kind of behavior, which is a good thing, but the question is, Who is hearing that message?" Professor Fox said. "The adults and the politicians are, but are the kids? I'm not so sure."

He added, "For many kids their immediate concern is the kid down the street and what he's packing as opposed to the judge in the court and what he might do."

Lake County residents rally to support Baldwin prison

By Sally Barber, Cadillac News

August 25, 2005

BALDWIN - Lake County citizens continue to fight to save the Michigan Youth Correctional Facility.

A town hall meeting is scheduled for 7 p.m. Thursday at the elementary school gym in Baldwin.

"People need to know their voice matters and this town hall meeting will allow them to do that," said Deborah Smith-Olson in a written statement. Smith-Olson is chairman of Lake-Osceola State Bank and the Lake County: Jobs Today \$ for Tomorrow coalition. "Our legislative battle is far from over and we have a good chance to keep MYCF open, especially if the community is united in this effort."

MYCF is a privately owned and operated prison opened in 1999. Employing 229 full time workers, it is Lake County's largest employer. It has an annual payroll of \$9 million and pays more than \$1 million in taxes.

Gov. Jennifer Granholm first proposed closing the facility in February to reduce the deficit in the 2004-2005 fiscal year budget. Lawmakers, including Sen. Michelle McManus, R-Lake Leelanau, and Geoff Hansen, R-Hart, worked to remove the prison from the list of cuts, but it is again targeted for elimination in the proposed 2005-2006 budget.

"This community is standing up and saying 'we're not going to take it,'" said Rick Simonson, spokesperson for the rally.

Five thousand flyers have been distributed through businesses, churches and other organizations, and 250 posters are displayed at area businesses providing meeting information.

"Two-thirds of all employees at MYCF live outside Lake County, including Wexford and Osceola counties," Simonson said. "This isn't a Lake County event, it's a regional event."

The latest available figures show the prison employs 66 workers residing in Lake County, 15 people from Wexford County, 23 from Osceola County, 42 people living in Mason County and 48 workers who make the drive from Mecosta, Mason or Manistee counties.

Lake County Chamber of Commerce president Jeffrey McKnight plans to attend the town hall meeting on behalf of the 183 chamber members.

"I think we are all determined to fight this as hard as we can. We're concerned about the negative impact (of closing the facility) on the community and businesses," he said. "Lake County is the No. 1 hit, but there's going to be spillover in the neighboring counties. We would very much appreciate their support on the 25th."

The meeting agenda includes speeches by Smith-Olson, Lake County Sheriff Robert Hiltz, and head of Five Cap Inc. Mary Trucks. Sen. McManus and Rep. Hansen will update the public on the legislative status of the prison's funding.

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Familiar face greets migrants

Thursday, August 25, 2005

By Gary W. Morrison

The Grand Rapids Press

SPARTA -- Yolanda Perez remains a familiar face to migrant workers who return each fall to pick fruit.

Her familiarity comes from working in Sparta Area Schools' migrant enrollment office 11 years. Besides, she is from a migrant family.

"She still is a migrant worker, even though she is not out in the orchards," said Nancy Smith, the district's director of migrant education.

The 34-year-old travels between Michigan and Mission, Texas, where she is an office manager in a tax preparation firm during winter and spring.

"I recognize many of the families that come here," Perez said. "While I help enroll their children in school, we also catch up about what has been happening in our lives over the past year."

That catching up is something personal for Perez.

"I was born in Saginaw, and my father worked for General Motors," she said. "He loved working outdoors and wanted to pick apples, so after one and a half years, we left for Texas."

Her family continued returning to Michigan for fruit-picking season. That meant attending school in both Grant and Texas.

"I understand the people who come here and what they go through," said Perez who traveled this year with her husband and three children. "I am able to answer their questions about the school and the area."

She registered 21 children the first two days the Sparta Area Schools office was open. She hopes to register more than last year, which was 157 students.

Each year, she has been enrolling fewer children, Perez said. Families tell her there are a lot of construction jobs in Florida, but they like returning to Michigan because of how well they are treated.

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Michigan Report

August 24, 2005

SIKKEMA URGES FASTER PACE IN REACHING BUDGET DEAL

Budget negotiations are taking far too long and are putting the state at risk of hitting the October 1 fiscal year without a spending plan in place, Senate Majority Leader Ken Sikkema (R-Wyoming) said Wednesday.

Governor Jennifer Granholm and legislators have about five weeks to reach agreement on the budget and work through the logistics of setting spending targets for each major area, writing the bills, getting conference committee action and passage of both chambers, and the governor's final review and signature.

Legislative leaders and state Budget Director Mary Lannoye will meet Thursday after holding their regular Wednesday meeting, the first time negotiations have been held on back-to-back days.

Mr. Sikkema, in a statement said, "The clock is rapidly ticking away toward October 1. I have proposed a schedule for decisions in our budget target meetings that would allow the Senate and House to complete their work on the budget and present it to the governor by late September. I am encouraged that we're meeting again tomorrow at 9 a.m., but the pace of negotiations must quicken."

In light of the scheduling of the Thursday meeting, Mr. Sikkema told Gongwer News Service the statement was "less incendiary" than one he had drafted earlier in the day. He said all participants must be realistic in making the difficult decisions regarding the budget.

Republicans have criticized some major elements of the governor's budget proposal, including where she targeted cuts such as **closing the youth prison in Baldwin** and raising revenue through higher fees and eliminating of tax exemptions, while Ms. Granholm has pointedly accused the GOP of trying **to balance the budget on the backs of the vulnerable** with the cuts they have proposed for some programs.

A special revenue estimating conference last week was expected to provide some marginal help in resolving their differences, with \$66.8 million revenue projected for the 2005-06 year.

State Budget Office spokesperson Greg Bird said negotiations had lagged pending the updated revenue estimates, but that they are progressing and that all parties are

committed to reaching agreement as soon as possible. “We realize the new fiscal year is rapidly approaching and the need to work hard to resolve the budget differences and the governor is committed to that,” he said.

Mr. Bird said some logistical difficulties could become a factor if negotiations drag on too long, but said all sides are committed to having a balanced budget in place before the fiscal year begins October 1.

House Speaker Craig DeRoche (R-Novi) agrees with Mr. Sikkema on the need for reaching agreement quickly, said spokesperson Matt Resch. He said he does not know why talks have lagged, but added, “It may be due to differences in approach in that the House and Senate don’t believe tax increases are way to balance the budget. The House and Senate both put forth budgets that balance state spending without raising taxes and hopefully in the next five weeks we can get something hammered out that reflects that.”

Ari Adler, spokesperson for Mr. Sikkema, said bills need to begin to be sent to the governor no later than the third week of September in order to get the budget in place before the fiscal year begins. “When you consider what the House and Senate have to do and targets have to be set and conference committees have to meet, you start backing up and realize it’s like last week,” he said in outlining when an agreement by the leaders should have occurred.

But he added, “If everyone can agree in the next couple of days, then we can have a valid schedule. But if it drags on much beyond that, then we’ll be running into some time issues.”

Sen. Mike Prusi of Ishpeming, Democratic vice chair of the Senate Appropriations Committee, defended the governor’s plan as a fiscally responsible balanced budget that protects families and makes tough decisions. “The reality is we have negotiated in good faith and agree that now is the time to get the job done. Some progress has been made, albeit slowly, but it is important to get this done right,” he said.

North End Community Ministry provides school supplies to more than 200 families

Thursday, August 25, 2005

By Gary Morrison **The Grand Rapids Press**

GRAND RAPIDS -- Picking out back-to-school clothing for their two school-age children was never easier for Dusty Gammon and David Enwall.

Instead of driving around the city looking for bargains, they were able to get everything they needed with one stop at the North End Community Ministry's distribution of clothing and school supplies.

"We're saving at least \$50 on each child," Enwall said. "Otherwise, we would have to go to a lot of places to find bargains to save money. It gets expensive, especially with the cost of gas."

Enwall and Gammon were among more than 200 families last week who picked out new clothes, underwear, socks, school supplies and backpacks in the basement of Plainfield United Methodist Church.

"We started doing this in 2000," said Laura Castle, director of NECM. "We contacted at least 30 area churches a month prior to the event and asked people to bring in new clothing or donate money so we could buy clothes."

The first night of the distribution was for families pre-registered a month earlier. The next day, any family living on Grand Rapids' Northeast Side received clothing.

Any clothing that is left will be donated to Grand Rapids Public Schools, she said.

"We feel that kids face a lot of peer pressure when they go back to school," Castle said. "When they have new clothes, they feel good about themselves and have some confidence to learn."

In the Image needs shoes, volunteers

Thursday, August 25, 2005

By Gary Morrison

The Grand Rapids Press

GRAND RAPIDS -- Fund-raising has been a struggle this year, but In the Image administrators believe they will meet their commitment to provide 6,000 pairs of shoes to students attending 17 Grand Rapids elementary schools.

In the Image had a stockpile of more than 2,700 shoes when its Shoes Help Our Elementary Students, or SHOES, program kicked off Aug. 16.

The program, in partnership with Grand Rapids Public Schools, gives about 6,000 at-risk elementary students the opportunity to select a new pair of shoes before starting school.

"Every year, we wonder where we will get the money for shoes, but God provides," Haagsman said.

About 300 children a day have been fitted and received shoes. Assistant director Marlan Buddingh is buying shoes daily from local retailers to keep up with demand.

"Through places like Kmart, Payless and Shoe Carnival, we're able to buy shoes at a discount," Buddingh said. "We are able to buy five pair of shoes for the cost of one pair, which helps our money go a long way."

Karen Tencate, who has three school-age children, said it didn't take long to find just the right pair of shoes for her son, Jonathan Phillips.

"Shoes are expensive, especially for little boys," she said. "This saves me money, and I didn't have to go all around town to find something he likes."

Bob Worcester, wife Gretchen and daughter Kimberly worked the second day of the program as volunteers to help fit shoes. They hope to volunteer more time before the program is over.

"It's a very rewarding program," Worcester said, "especially when you see the smiles on the kids with a new pair of shoes."

The program will continue until Sept. 16, Buddingh said. Shoes are distributed 9 a.m. to noon and 1 to 3:30 p.m. Wednesdays and Fridays and 5 to 8:30 p.m. Tuesdays and Thursdays.

"Families are lined up every day for shoes," Buddingh said. "We still have a great need for volunteers and money to buy shoes."